APPENDIX I

Excerpts from Procedural Aspects of Maryland Civil Rights Law, Art. 49B, Md. Code Ann. (1972 Repl. Vol., 1974 Supp.).

SECTION 14. HEARING.

(a) *Certification of file; notice to respondent; hearing tribunal; place of hearing; transcript; duty of Commission's counsel; disqualification to participate in hearing.*— In case of failure to reach an agreement for the elimination of the acts of discrimination and upon the entry of findings to that effect, the entire file including the complaint and any and all findings made shall be certified to. The chairman shall cause a written notice to be issued and served in the name of the Commission together with a copy of the complaint requiring the respondent to answer the charges of the complaint at a public hearing before the Commission at such time and place as may be certified in the notice.

The Chairman shall thereupon appoint a hearing tribunal of three persons who shall be members of the Commission to hear such complaint, and said hearing shall be held in the county where the alleged act of discrimination took place. A transcript of all testimony at the hearing shall be made. The case in support of the complaint shall be presented at the hearing by the general counsel of the Commission and no Commissioner who previously made or participated in the investigation or caused the complaint to be filed shall participate in the hearing as a member of the tribunal or in the review of a decision of hearing tribunal pursuant to subsection (g) of this section.

(b) *Answer and appearance of respondent; right to submit testimony and examine witnesses.*—The respondent may file a written answer to the complaint and appear at the hearing in person, or otherwise, with or without counsel. The respondent may submit testimony and shall be fully heard. He may examine and cross-examine witnesses.

(c) *Amendment of complaint or answer; testimony to be under oath and recorded.*—The Commission may permit reasonable amendment to be made to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(d) *Power of Commission to administer oaths, etc.; subpoenas.*—In the administration and enforcement of the provisions of these several subtitles, the Commission has power to administer oaths and to issue subpoenas, to compel the attendance and testimony of witnesses and the production of books, papers, records and documents relevant or necessary for proceedings under the particular subtitle. Any such subpoena shall be served by the sheriff or deputy sheriff of the political subdivision in which is located the residence of the person or the main office of the firm, association, partnership or corporation against whom or which the subpoena is issued. In case of disobedience to a subpoena, the Commission may apply to a circuit court in any county or to a court of appropriate jurisdiction in the Supreme Bench of Baltimore City for an order requiring the attendance and testimony of witnesses and the production of books, papers, records, and documents. In case of contumacy or refusal to obey a subpoena for the attendance of a witness or the production of books, papers, records, and documents, after notice to the person subpoenaed as a witness or directed to produce books, papers, records and documents, and upon a finding that the attendance and testimony of the witness or the production of the books, papers, records and documents, and upon a finding that the attendance and testimony of the witness or the production of the books, papers, records and documents is relevant or necessary for the proceedings of the Commission, the court may issue an order requiring the attendance and testimony of the witness and the production of the books, papers, records and documents. Any failure to obey such an order of the court may be punished by the courts as a contempt thereof.

(e) *Cease and desist order.*—If upon all the evidence, the Commission finds that the respondent has engaged in any discriminatory act within the scope of any of these subtitles, it shall so state its findings. The Commission thereupon shall issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from the discriminatory acts and to take such affirmative action as will effectuate the purposes of the particular subtitle.

(f) *Order dismissing complaint.*—If upon all the evidence, the Commission finds that the respondent has not engaged in any such alleged discriminatory act within the scope of the particular subtitle, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint.

(g) *Review of decision of hearing tribunal.*—If a decision of a hearing tribunal is not unanimous, the aggrieved party may petition within ten days to the remaining members of the Commission for a review of the decision. Such review by the Commission shall be limited to a review of the entire record of proceedings before the hearing tribunal; provided, however, the Commission may order further argument if necessary in making such a review. The Commission, after making such a review, shall affirm, reverse or modify the decision of the hearing tribunal and an appropriate order shall be filed in accordance with this action.